United Nations A/59/551

General Assembly

Distr.: General
3 November 2004

Original: English

Fifty-ninth session
Agenda item 108
Programme budget for the biennium 2004-2005

Unforeseen and extraordinary expenses

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on unforeseen and extraordinary expenses (A/59/90). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The report of the Secretary-General was submitted pursuant to the request of the Advisory Committee, in paragraph 9 of its report A/58/604, for a review by the Secretariat of the adequacy of the provisions of the resolution on unforeseen and extraordinary expenses relating to expenses certified by the President of the International Court of Justice.

3. The current provisions, as adopted in paragraph 1 (b) of General Assembly resolution 58/273 of 23 December 2003, are indicated in section II of the Secretary-General's report (A/59/90). Section III provides a background analysis of the use of the specific expenses and corresponding resource ceilings certified by the President of the Court under the resolution on unforeseen and extraordinary expenses. The Committee notes that no expenses or limited expenses have been certified against the provisions identified in paragraphs 1 (b) (ii), on the calling of witnesses and the appointment of experts, 1 (b) (iii), on the maintenance in office for the completion of cases of judges who have not been re-elected, and 1 (b) (v), on the work of the Court or its Chambers away from The Hague; no change is therefore proposed in the current contingency ceilings of $50,000, $40,000 and $25,000, respectively. In addition, no change is proposed at this time in regard to the provisions of paragraph 1 (b) (iv), on the payment of pensions and travel and removal expenses of retiring judges and travel and removal expenses and installation grant of members of the Court, for which the current contingency ceiling is set at $410,000, for the reasons indicated in paragraph 12 of the report of the Secretary-General.

4. However, as to the provision regarding paragraph 1 (b) (i) of the resolution, on the designation of ad hoc judges, for which the current ceiling has been set at

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$330,000, the Committee notes the continuous use of the provision in the course of recent years, as reflected in the table contained in paragraph 14 of the report of the Secretary-General. The Committee was further informed that for 2004, as at 1 November, a total of 26 judges had been designated, as compared with 2 shown in the table. Thus, additional charges may arise against the provision before the end of the year. As indicated in paragraphs 13 to 16 of the report, in view of the consistency in the use of this provision, the Secretary-General is proposing to establish a continuing provision of $400,000 in the regular budget of the Court in the context of the upcoming proposed programme budget for the biennium 2006-2007, while adjusting the ceiling under this component of the resolution on unforeseen and extraordinary expenses from $330,000 to $200,000. **On that basis, the Advisory Committee recommends that the General Assembly take note of the report of the Secretary-General (A/59/90) and approve his proposal, as reflected in section IV of that report.**